

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
BOSTON DIVISION

ARUNESWARAN VENKATESWARAN,

Plaintiff,

v.

DRAFTKINGS INC.,

Defendant.

Civil Action No. _____

TO: The Honorable Judges of the
United States District Court
District of Massachusetts
Boston Division

NOTICE OF REMOVAL

Petitioner DraftKings Inc. (“Defendant”), the sole Defendant in the above-entitled action, states:

1. Defendant consents and desires to exercise its rights under the provisions of 28 U.S.C. § 1441, *et seq.*, to remove this action from the Superior Court for Suffolk County, Massachusetts, in which said case is now pending under the name and style, *Aruneswaran Venkateswaran v. DraftKings Inc.*, Civil Docket No. 2484CV02454. Plaintiff commenced the instant action by filing a Summons, Complaint and Jury Demand (“Original Complaint”), and Civil Action Cover Sheet, on September 17, 2024. A copy of these documents are attached hereto as Exhibit A.
2. On October 8, 2024, Defendant’s counsel filed notices of appearances. A copy of those notices are attached as Exhibit B.
3. Also on October 8, 2024, Defendant filed an assented-to Motion to Extend Time to File a Responsive Pleading. A copy of the Motion is attached hereto as Exhibit C.

4. Plaintiff filed a first amended complaint (“First Amended Complaint”) on November 1, 2024. A copy of this document is attached hereto as Exhibit D.

5. Exhibits A - D described herein contain the only documents that have been filed in the State Court Action as of the filing of this Notice of Removal.

6. In his Amended Complaint, Plaintiff alleges, *inter alia*, that Defendant retaliated against him in violation of the Family and Medical Leave Act, 29 U.S.C. § 2615 (“FMLA”). See Exhibit D at ¶¶30-34.

7. Pursuant to 28 U.S.C. § 1441(a), any civil action brought in a state court which the district courts of the United States have original jurisdiction may be removed by the Defendant to the district court of the place where such action is pending.

8. A resolution of this action in whole or in part requires an application of the FMLA, as alleged by Plaintiff.

9. Accordingly, this Court has jurisdiction based on Federal Question Jurisdiction pursuant to the provisions of 28 U.S.C. § 1331.

10. Further, this Court has supplemental jurisdiction over the remaining claims pursuant to 28 U.S.C. § 1367.

11. Venue is proper in this District under 28 U.S.C. § 1446(a) because this District and Division embraces Suffolk County, Massachusetts, where this action is currently pending in the Commonwealth of Massachusetts Superior Court.

12. Defendant was first provided a copy of the Amended Complaint on November 1, 2024, and are filing this notice within thirty (30) days of that date, as required by 28 U.S.C. § 1446(b)(1).

13. Plaintiff's original Complaint did not assert any claim based on a violation of the FMLA or any federal question, and therefore could not be removed to federal court prior to the complaint's amendment.

14. Defendant will promptly file a Notice of Filing of Removal of Action to Federal Court (attached hereto as Exhibit E) and a copy of this Notice of Removal with the Clerk of the Superior Court, Suffolk County, Commonwealth of Massachusetts, where this action has been pending, pursuant to 28 U.S.C. § 1446(d).

15. Defendant will serve written Notice to Plaintiff's Counsel of Filing of Removal of Action to Federal Court (attached hereto as Exhibit F) and copies of this Notice of Removal on Plaintiff's counsel pursuant to 28 U.S.C. § 1446(d).

16. Pursuant to Local Rule 81.1(a), Defendant will obtain certified or attested copies of the docket sheet and all pleadings in the state court action and will file them in this Court within twenty-eight (28) days.

17. For the reasons stated above, this action is removable to this Court pursuant to the provisions of 28 U.S.C. § 1441.

18. By filing this Notice of Removal, Defendant is not making a general appearance and does not waive any defenses and/or grounds for dismissal that may be available to them pursuant to Rule 12 of the Federal Rules of Civil Procedure and/or any other applicable rules, including, but not limited to, those related to service, service of process, sufficiency of process, venue, or jurisdiction. Defendant specifically reserves the right to assert any defenses and/or objections to which they may be entitled.

WHEREFORE, Defendant prays that the above action now pending against them in the Superior Court for Suffolk County, Massachusetts be removed therefrom to this Court.

Respectfully submitted,

DRAFTKINGS INC.,

By its Attorneys,

/s/ Daniel R. Fishman

Alexandra L. Pichette (BBO #697415)

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Dated: November 25, 2024

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served on November 25, 2024 via email upon Plaintiff's counsel.

Samuel Kennedy-Smith, Esq.

Jamie Goodwin, Esq.

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/s/ Daniel R. Fishman

Daniel R. Fishman